

Summons in a Civil Action (Rev 11/97)

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

CLERK OF COURT
SOUTHERN DISTRICT OF CALIFORNIA

LYMS, INC.; WENDY YOUNGREN
AND CATHY MEANS AS SUCCESSOR
TRUSTEES OF THE LYMOs 401(K)
SAVINGS PLAN VS

BRUCE MILLIMAKI AND MICHAEL
EFFERT, FORMER TRUSTEES OF
THE LYMOs 401(k) SAVINGS
PLAN; GARY BERMAN,
INDIVIDUALLY,
Defendants

DEPUTY

SUMMONS IN A CIVIL ACTION

Case No. 08-cv-1210-JLS-NLS

**FIRST AMENDED COMPLAINT FOR BREACHES
OF FIDUCIARY DUTY UNDER THE EMPLOYEE
RETIREMENT INCOME SECURITY ACT
("ERISA"), 29 U.S.C. Section 1001
et seq.; NEGLIGENCE AND BREACH OF
CONTRACT UNDER 29 USC Section 1367(a)**

TO: (Name and Address of Defendant)

BRUCE MILLIMAKI
c/o STEPHEN L. SCHREINER, ESQ.
SOLOMON WARD SEIDENWURM & SMITH, LLP
401 B Street, Suite 1200
San Diego, CA 92101

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and
serve upon PLAINTIFF'S ATTORNEY

PETA LEWIS HALLISEY
BRANTON & WILSON, APC
701 B STREET, SUITE 1255
SAN DIEGO, CA 92101

An answer to the complaint which is herewith served upon you, within 20 days after
service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment
by default will be taken against you for the relief demanded in the complaint.

W. Samuel Hamrick, Jr.

CLERK

JUL 23 2008

DATE

By

, Deputy Clerk

Summons in a Civil Action

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00D\MA\PC\DOCS\W\ORD\PERFECT\14443\1 May 5, 1999 (11:34am)

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1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure

<p>NOTICE OF RIGHT TO CONSENT TO TRIAL BY A UNITED STATES MAGISTRATE</p> <p>IN ACCORDANCE WITH THE PROVISION OF 28 USC 636(C) YOU ARE HEREBY NOTIFIED THAT A U.S. MAGISTRATE OF THIS DISTRICT MAY, UPON CONSENT OF ALL PARTIES, CONDUCT ANY OR ALL PROCEEDINGS, INCLUDING A JURY OR NON-JURY TRIAL, AND ORDER THE ENTRY OF A FINAL JUDGMENT. COUNSEL FOR THE PLAINTIFF HAS RECEIVED A CONSENT FORM.</p> <p>YOU SHOULD BE AWARE THAT YOUR DECISION TO CONSENT OR NOT CONSENT IS ENTIRELY VOLUNTARY AND SHOULD BE COMMUNICATED SOLELY TO THE CLERK OF COURT. ONLY IF ALL PARTIES CONSENT WILL THE JUDGE OR MAGISTRATE TO WHOM THE CASE HAS BEEN ASSIGNED BE INFORMED OF YOUR DECISION.</p> <p>JUDGMENTS OF THE U.S. MAGISTRATES ARE APPEALABLE TO THE U.S. COURT OF APPEALS IN ACCORDANCE WITH THIS STATUTE AND THE FEDERAL RULES OF APPELLATE PROCEDURE.</p>						
<p>DECLARATION OF SERVER</p> <p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service is true and correct.</p> <p>Executed on: <u>7/24/08</u></p> <p><i>Pamela R. Reese</i> Signature of Server</p> <p>Date <u>7/24/08</u></p> <p>701 B Street, Suite 1255, San Diego, CA 92101 Address of Server</p>						
<p>STATEMENT OF SERVICE FEES</p> <table border="1"> <tr> <td>TRAVEL</td> <td></td> <td>SERVICES</td> <td></td> <td>TOTAL \$0.00</td> </tr> </table>		TRAVEL		SERVICES		TOTAL \$0.00
TRAVEL		SERVICES		TOTAL \$0.00		
<p>Check one box below to indicate appropriate method of service</p> <p>Served personally upon the defendant. Place where served: <input type="checkbox"/></p> <p>Left copies thereof at the defendant's dwelling, house or usual place of abode with a person of suitable age and discretion then residing therein: <input checked="" type="checkbox"/> XX</p> <p>Name of person with whom the summons and complaint were left: <u>Linda Peters</u></p> <p>Return unexecuted: <input type="checkbox"/></p> <p>Other (specify): <input type="checkbox"/></p>						
<p>RETURN OF SERVICE</p> <p>Service of the Summons and Complaint was made by me</p> <p>DATE <u>7/24/08</u></p> <p>TITLE <u>Legal Assistant</u></p> <p>NAME OF SERVER <u>Pamela R. Reese</u></p>						